

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to FIGS. 2, 3, 7, and 9. FIG. 2 has been amended to eliminate reference numbers 226 and 228. FIG. 3 has been amended to eliminate the included reference numbers. Accordingly the written description has been amended to refer to FIG. 3 generally. FIG. 7 is amended to include a lead line to reference number 748. FIG. 9 has been amended in two respects to amend reference number “58” to now reference “958” additionally the barrel mounting is now referenced by “950”.

Attachment:                  Replacement Sheet

## **REMARKS**

Claims 1-8, 10-14, 21-25, and 30-33 are pending examination in the instant application. Claims 1, 5, 6, 8, 10, and 21, are amended.

### ***Drawings***

The drawings stand objected. By this paper, FIGS. 2, 7, and 9 have been amended to correct the noted informalities. In-light of the foregoing, it is believed that the pending objection has been obviated. Removal of the pending objection is earnestly solicited.

### ***Objection to Specification/Amendment***

By this paper, paragraph [0022] has been amended to refer to item “120”. Support for the amendment may be found in FIG. 1 (as filed illustrating a back splitter) and paragraph [0025] discussing a back splitter. Paragraph [0025] has been amended to make reference to first and second optical indicators illustrated in FIGS. 2 and 5. Reference numbers in FIG. 3 have been eliminated in favor of a general reference which is included in paragraph [0025]. Paragraph [0025] has been amended to reference item “404” instead of item “304”. Paragraph [0027] has been amended to reference item “744” and include discussion of the same. Support for the amendment to paragraph [0027] may be found in the paragraph itself and FIG. 7 as filed. Additional support for the amendments may be found throughout the specification and drawings as filed.

### ***Claim Rejection 35 U.S.C. § 112, paragraph 2***

By this reply, claims 1, 5, 6, 10, and 21 have been amended to more particularly point out and distinctly claim the current subject matter in accordance with the Office’s recommendations. Removal of the pending rejection under 35 U.S.C. §112, second paragraph is respectfully solicited.

### ***Claim Rejection 35 U.S.C. § 102***

#### **35 U.S.C. § 102(b)**

Claims 1, 2, 4-7, 10, 11, 13, 30, 31, and 33 stand rejected under 35 U.S.C. §102(b) as anticipated by Bell et al. United States Patent Number 4,885,967 (hereinafter Bell). Applicants respectfully traverse. As the Examiner is aware, the examiner “ordinarily

should reject each claim on all valid grounds available.” *M.P.E.P. §707.07(g)* Further, “[w]here a major technical rejection is proper, it should be stated with a full development of reasons rather than by a mere conclusion coupled with some stereotyped expression.”

*Id.*

Independent Claim 1 generally recites an optical alignment system for a table saw which includes at least one optical emitting device . . . the at least one optical emitting device is arranged and configured to project the first and second optical indicators substantially in alignment with the first and second sides of the kerf. Bell fails to teach, disclose, or suggest at least one optical emitting device having this capability. Rather, Bell discloses a system in which the alignment projecting cutting lines are aligned with the respective saw blades. Bell, Abstract. Nowhere does Bell teach or suggest implementing an at least one optical emitting device to project a first optical indicator and second optical indicator substantially in alignment with the first and second sides of the kerf. Bell fails to teach a system in which projected optical indicators are utilized to aid alignment with the sides of the kerf to be formed in the workpiece. Bell is directed to a system in which “the laser beams 6 emitted and cast upon the workpiece 8 would indicate the exact lines about which the blades 12 will engage the workpiece 8.” Bell, Col. 5, lines 20-24. Emphasis added. As such, Bell does not anticipate the present invention because Bell fails to teach or suggest the at least one optical emitting device is arranged and configured to project the first and second optical indicators substantially in alignment with the first and second sides of the kerf. Anticipation cannot be established when “the prior art is lacking or missing a specific feature or the structure of the claimed invention.” *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). As a *prima facie* case of anticipation is not met, removal of the pending rejection under 35 U.S.C. §102(b) is requested and allowance is earnestly solicited.

Claims 2 and 4-7, are believed to be allowable based on their dependence from Claim 1 as discussed immediately above. Applicants will not burden the record further. Removal of the pending rejection to claims is respectfully requested and allowance is earnestly solicited.

With respect to Claim 10, the Bell reference fails to teach or suggest system utilizing a first optical emitting device and a second optical emitting device wherein said first and second optical indicators can be projected adjacent a cutting interface of the rotating blade, substantially indicating the first and the second sides of the kerf. The Bell reference does not teach or suggest a system in which optical indicators are projected adjacent a cutting interface substantially indicating the sides of a kerf created in a workpiece. Instead, Bell discloses a system in which the exact line about which the blade(s) will engage is cast upon the workpiece. Bell, Col. 5, lines 20-24. Thus, Bell discloses a system in which material is removed around the cast line rather than indicating the kerf. As the Office is aware, “[a]n anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of invention.” *ATD Corp.v. Lydall, Inc.*, 48 USPQ.2d 1321, 1328 (Fed. Cir. 1998) citing *In re Spada*, 15 USPQ.2d 1655, 1657 (Fed. Cir. 1990). Emphasis added. Removal of the pending rejection under 35 U.S.C. §102(b) is respectfully requested and allowance is earnestly solicited.

Claims 11 and 13 are believed to be allowable based on their dependence from Claim 10 as discussed immediately above. Applicants will not burden the record further. Removal of the pending rejection to the claims is respectfully requested and allowance is earnestly solicited.

Regarding Claim 30, nowhere does Bell teach means for projecting a first optical indicator substantially aligned with a first side of a kerf, created in a workpiece by operation of a table saw blade, and a second optical indicator substantially aligned with a second side of

the kerf. Rather, Bell discloses a system in which a laser casts an exact line about which a saw blade enters the workpiece. Removal of the pending rejection under 35 U.S.C. §102(b) is respectfully requested and allowance is earnestly solicited.

Claims 31 and 33 are believed to be allowable based on their dependence from Claim 10 as discussed immediately above. Applicants will not burden the record further. Removal of the pending rejection to the claims is respectfully requested and allowance is earnestly solicited.

#### ***Claim Rejection 35 U.S.C. § 103***

##### **35 U.S.C. § 103(a)**

When applying 35 U.S.C. §103, the following tenets of patent law must be adhered to: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. *See MPEP § 2141 and Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 220 USPQ 182, 187 n.5 (Fed. Cir. 1986). Moreover, “[i]n proceeding before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art...” *In re Fritch*, 972 F.2d 1260, 24 USPQ.2d 1780, 1783 (Fed. Cir. 1992).

Claim 14 stands rejected under 35 U.S.C. §103(a) in-view of Bell alone. The rejection is respectfully traversed. Applicants respectfully forward the arguments in regards to the pending anticipation rejection to Claim 10 (above) from which Claim 14 depends as the same deficiency in Bell is equally applicable to the present obviousness rejection. First, it appears as if the Office is not attempting to reject the above claims over Bell alone as it asserts, but rather is attempting to rejecting the pending claims over Bell in-view of the

Examiner's knowledge (i.e., asserted knowledge of one of ordinary skill in the art) as the present rejection is based on section 103(a) rather than finding basis in section 102. The Office's argument indicates Bell lacks the teaching of a fan laser beam generators as the Office failed to assert where the teaching of a laser fan beam generator may be found in the Bell reference. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Emphasis added. Furthermore, the reference to Nutt, United States Patent Number 4,676,130, is misplaced as the Office is attempting to assert that the knowledge of "fan laser beam generators" is old and well known rather than asserting the combination of Bell in-view of Nutt. Obviousness cannot be established by combining the teaching of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 221 USPQ 929 (Fed. Cir. 1984). Thus, the Examiner may not use the patent application as a basis for the motivation to combine or modify the prior art to arrive at the claimed invention. Removal of the pending rejection is respectfully requested.

Claims 21, 22, and 24 are rejected under 35 U.S.C. §103(a) over Bell in-view of "Official Notice" or Butler, United States Patent Number 408,790 (hereinafter Butler), or Linderman, United States Patent Number 411,925 (hereinafter Linderman) or Caldwell, United States Patent Number 714,098 (hereinafter Caldwell). Applicants traverse the rejection.

With regard to the references, all of the secondary references are over one hundred years old, while the primary reference Bell is over thirteen years old. In the present instance, the Office has given no reason or suggestion from the art for making the asserted combination. Additionally, as at least a decade has transpired since the issuance of the Bell reference, the lack of a reference suggesting combining Bell with at least one of Butler, Linderman, or

Caldwell instead of buttressing the Office's contention instead indicates that the asserted combination is not obvious.

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *M.P.E.P. §2141.02 citing Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed Cir. 1983). Emphasis original.

In the present instance, the Office has failed to provide any indication from the references themselves indicating the desirability of making the suggested substitutions. Additionally, none of the cited references teach or suggest a beveling cutting device. Instead, each of the references disclose devices in which the cutting device is fixedly aligned in a perpendicular orientation. Removal of the pending rejection to the claims is respectfully requested and allowance is earnestly solicited.

Claim 25 is believed to be allowable based on its dependence from claim 21 and based on substantially the same rational discussed with respect to Claim 14. Applicants will not burden the record further. Removal of the pending rejection to the claims is respectfully requested and allowance is earnestly solicited.

Claims 3, 12, 23, and 32, stand rejected, apparently, over Bell in-view of "Official Notice". Applicants traverse. Applicants note the Office has cited United States Patent Number 3,976,384 naming "Matthews et al." as (apparently) forming the basis of one of ordinary skill in the art. First, it is noted that "Official Notice" is to be limited to instances where the facts are "capable of instant and unquestionable demonstration as being well-known." M.P.E.P. §2144.03. This is not the present situation. Matthews on the whole discloses an optical system for detecting knots in lumber. Nowhere does Matthew teach or disclose utilizing a laser for any alignment purpose. Bell on the whole discloses a laser alignment device for sawmills. Nowhere in either of the references is any teaching or suggestion for combining the references. Additionally, the Office's assertion that "[t]herefore, it would

have been obvious to one having ordinary skill in the art to provide helium-neon lasers on the optical alignment system of Bell for the well known benefits including those described above” is misplaced. Instant Action, Page 9, last paragraph. As Matthews and Bell are utilizing laser for different purposes, there is no indication in the references that one of ordinary skill in the art would have the asserted knowledge. Furthermore, Bell and Matthews fall within different classifications, and no other reference has been cited for the asserted motivation to combine the asserted knowledge of one of ordinary skill in the art with the Bell reference. Removal of the pending rejection to the claims is respectfully requested and allowance is earnestly solicited.

Claim 8 is believed to be allowable based on its dependence from Claim 1. Further, as the Office is well aware, Applicants are required to seasonably challenge statements by the Office that are not supported on the record. M.P.E.P. §2144.03. Further, it is noted that “Official Notice” is to be limited to instances where the facts are “capable of instant and unquestionable demonstration as being well-known”. M.P.E.P. §2144.03. This is not the present situation. First, in accordance with M.P.E.P. §904 it is presumed that a full search was conducted and this search is indicative of the prior art. The search failed to disclose a reference which would teach or suggest the utilization of a grating disposed on an end of the at least one optical emitting device, let alone a grating. Consequently, the search revealed that the asserted substitution is not well-known and therefore is not entitled to be relied upon in order to reject the present claimed invention. If the Office is unable to provide such a reference, and is relying on facts based on personal knowledge, Applicants hereby request that such facts be set forth in an affidavit from the Examiner under 37 C.F.R. 1.104(d)(2).

With regards to what appears to be a rejection based on Butler, or Linderman, or Caldwell in-view of Bell to Claims 21-25, Applicants traverse. As this rejection appears to merely invert the primacy of the references between “one of” Butler/Linderman/Caldwell in view of Bell, Applicants respectfully forward there previous argument. Additionally, as each of

Butler/Linderman/Caldwell fails to teach a device including a beveling cutting device, and Bell fails to teach first and second optical emitting devices which “are configured so as to bevel with the cutting device, such that said first optical indicator and said second optical indicator are projected to substantially indicate the first and second sides of the kerf.” the asserted combination fails to teach every limitation as required. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Removal of the pending rejection under 35 U.S.C. §103(a) is requested and allowance is earnestly solicited.

Claim 25, is believed to be allowable based its dependence from Claim 21. Applicants will not burden the record further. Removal of the pending rejection under 35 U.S.C. §103(a) is requested and allowance is earnestly solicited.

Claim 23 is apparently rejected over one of Butler/Linderman/Caldwell in view of Matthews. Applicants request clarification as the body of rejection references Bell and not Matthews as asserted. The relevant portion of the outstanding Action is reproduced below. Applicants respectfully note that Matthews teaches a system for detecting knots in timber by passing laser light through openings within the timber. Nowhere does Matthews disclose said first optical indicator and said second optical indicator are projected to substantially indicate the first and second sides of the kerf as recited in Claim 21 from which Claim 23 depends. Moreover, with particular respect to the limitations of Claim 23 directly nowhere does Matthews teach utilizing helium-neon lasers for achieving the above capability. As such the asserted combination does not teach each and every limitation as disclosed in the claims and therefore does not render the presently claimed invention obvious. Removal of the pending rejection under 35 U.S.C. §103(a) is requested and allowance is earnestly solicited.

14. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Butler, pn 408,790, Linderman, pn 411,925 or Caldwell, pn 714,098 in view of Bell et al., pn 4,885,967 as applied to claim 21 above, and further in view of Matthews et al., pn 3,976,384.

The combination of Butler, Linderman or Caldwell in view of Bell suggests a table saw with almost every structural limitation of the claimed invention but lacks the alignment system of Bell having optical emitting devices that are helium-neon lasers. However, the Examiner takes Official notice that helium-neon lasers are old and well known in the art and provide various well known benefits including ability to generate a collimated beam of light which substantially minimizes alignment, calibration and

measurement problems. Matthews et al., pn 3,976,384 discloses one example of such helium-neon lasers. Therefore, it would have been obvious to one having ordinary skill in the art to provide helium-neon lasers on the optical alignment system of Bell for the well known benefits including those described above.

## CONCLUSIONS

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

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Respectfully submitted,  
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